

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

4 UNITED STATES OF AMERICA,

5 Plaintiff,

V.

CRIMINAL NO. 04-351 (SEC)

JOSE RAUL VARGAS-TOLOZA (2),

Defendant.

JUDGMENT

1 This case involves a fugitive that was indicted in 2004. As noted
2 by the United States Supreme Court, “[c]ourts are vested with an inherent
3 power to control and manage their own affairs so as to achieve early and
4 expeditious disposition of cases.” Link v. Wabash Railroad Co., 370 U.S.
5 626, 630-31 (1962). Moreover, the First Circuit has noted that “in a
period of overloaded dockets, prejudice to the court is inherent in
needless delays and postponements.” Chuang Investments v. Eagle Inns,
Inc., 81 F.3d 13 (1st Cir. 1996).

In view of the fact that the Defendant has been a fugitive of
justice for such a long time, and the uncertainty regarding the future of
these proceedings, the Court does hereby dismiss the indictment for
administrative and docketing purposes only. This dismissal does not
affect the validity, force or effect of the pending indictment, arrest
warrants, or the Defendant's status as a fugitive from justice.

21 Any motion filed in this case, after the entry of this order, shall
22 not be deemed a new filing. Instead, the filing will be effective *nunc
pro tunc* to the date of this order. Judgment of **DISMISSAL WITHOUT
PREJUDICE** is entered accordingly.

SO ORDERED.

In San Juan, Puerto Rico, this 19th day of February, 2009.

S/ Salvador E. Casellas
UNITED STATES DISTRICT JUDGE